

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
In re VEECO INSTRUMENTS, INC. :
SECURITIES LITIGATION :
----- X

Case No.: 7:05-md-01695 (CM)(GAY)

----- X
THIS DOCUMENT RELATES TO :
ALL ACTIONS :
----- X

[PROPOSED] SCHEDULING ORDER

McMAHON, District Judge

Orders as follows:

1. With the exception of Paragraph 2, below, Plaintiffs are to designate all experts by March 23, 2007.
2. Lead Plaintiff in the securities class action is to designate any accounting experts by April 11, 2007.
3. With the exception of Paragraph 4, below, Defendants are to designate all experts by April 20, 2007.
4. Defendants are to designate any accounting expert in the securities class action by May 9, 2007.
5. All discovery is to be completed by May 11, 2007.
6. All final pre-trial papers required by Judge McMahon's rules (which, for the derivative cases includes proposed findings of fact and conclusions of law) are due June 1, 2007, as are any in limine motions.
7. Responses to in limine motions are due by June 8, 2007. No reply is permitted.
8. Parties are to follow Judge McMahon's practice rules. Those rules can be found on the Court's website www.nysd.uscourts.gov.

**USDS SDNY
DOCUMENT
ELECTRONICALLY FILED**
DOC #: _____
DATE FILED: _____


Hon. Colleen McMahon
United States District Judge

1622 LOCUST STREET | PHILADELPHIA, PA 19103-6305 | phone 215/875-1000 | fax 215/875-4604 | www.bergermontague.com

Berger & Montague, P.C.
ATTORNEYS AT LAW

CAROLE A. BRODERICK

WRITER'S DIRECT C.A. 215/875-3015

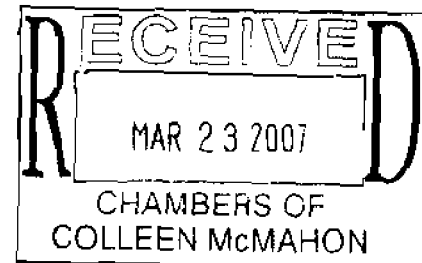
WRITER'S DIRECT FAX 215/875-5715

WRITER'S DIRECT E-MAIL cbroderick@bm.net

March 22, 2007

Via Facsimile: (212) 805-6326
(914) 390-4152

The Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street
Room 640
New York, NY 10007



Re: *In re Veeco Instruments Inc. Securities Litigation*
Case No. 7:05-md-01695

Dear Judge McMahon:

We represent Lead Plaintiff Steelworkers Pension Trust in the above action. We write to respectfully ask the Court for an extension to April 11, 2007 for the designation and report of an accounting expert only, from the currently scheduled date of March 23, 2007. This is not a request for a general extension of the time to designate experts, and is not sought for any other expert.

We request the extension because our planned accounting expert is a retired Ernst & Young partner who does business with Ernst & Young. When the expert learned recently that we might assert a claim based on Veeco's representations in its Form 10-Q issued in 2004 which included the financial statements that were restated, that the financial statements in those forms presented financial data for calendar quarters when that was not the case, and that Defendants testified that Veeco did so without disclosure of that fact upon the advice of Ernst & Young, he stated that he would not testify as our expert without the approval of Ernst & Young. Lead Plaintiff did not know about the false representations about the quarterly financial data until the depositions taken on February 23, 27 and 28, and despite extensive searches of the Veeco - produced documents, were unable to form definitive conclusions about the materiality of those false representations due to inadequacies of data. We were then advised by counsel for Ernst & Young that such approval requires clearance or conflict checking from the Ernst & Young Partnership Administration, which appears to be, at a minimum, a lengthy process.

No previous extension has been requested. Although we requested Defendants' counsel's consent to this extension, and discussed the matter in telephone communications, Defendants'

Berger & Montague, P.C.
ATTORNEYS AT LAW

The Honorable Colleen McMahon
March 22, 2007
Page 2

counsel have stated that they are unable to provide a response to the request at this time.
A revised Scheduling Order is attached.

Respectfully yours,

Carole Broderick

Carole A. Broderick

CAB:lb
Enclosure

cc: John A. Herfort, Esq.
Robert J. Serio, Esq.
J. Ross Wallin, Esq.
Colin R. Young, Esq.
Robert I. Harwood, Esq.

414488